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13 JUN 26 PM 3:55

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

December 2012 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY ANDREW SMITH,

Defendant.

Case No.

**13CR2387 JM**

I N D I C T M E N T

Title 18, U.S.C.,

Sec. 2252(a)(2) - Receipt of

Images of Minors Engaged in

Sexually Explicit Conduct;

Title 18, U.S.C.,

Sec. 2252(a)(4)(B) - Possession of

Matters Containing Images of

Minors Engaged in Sexually

Explicit Conduct; Title 18,

U.S.C., Sec. 2253(a) and (b) -

Criminal Forfeiture

The grand jury charges:

Count 1

On or about and between October 1, 2012 and November 8, 2012, within the Southern District of California, defendant JEREMY ANDREW SMITH, did knowingly distribute visual depictions, that is digital and computer images, using any means or facility of interstate and foreign commerce and that has been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contains materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in

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1 sexually explicit conduct, as defined in Title 18, United States Code,  
2 Section 2256(2), and which visual depictions were of such conduct; in  
3 violation of Title 18, United States Code, Section 2252(a)(2).

4 Count 2

5 On or about November 8, 2012, within the Southern District of  
6 California, defendant JEREMY ANDREW SMITH, did knowingly possess one  
7 or more matters, that is computer hard drives and computer media,  
8 containing digital and computer images which contained visual  
9 depictions that had been mailed, shipped and transported in interstate  
10 and foreign commerce, and which were produced using materials which  
11 have been mailed, shipped and transported in interstate and foreign  
12 commerce, by any means including by computer, the production of which  
13 involved the use of a prepubescent minor and a minor who had not  
14 attained 12 years of age engaging in sexually explicit conduct, as  
15 defined in Title 18, United States Code, Section 2256(2), and which  
16 visual depictions were of such conduct; in violation of Title 18,  
17 United States Code, Section 2252(a)(4)(B).

18 FORFEITURE ALLEGATIONS

19 1. The allegations contained in Counts 1 and 2 of this  
20 Indictment are realleged and by their reference fully incorporated  
21 herein for the purpose of alleging forfeiture to the United States of  
22 America pursuant to the provisions of Title 18, United States Code,  
23 Sections 2253(a).

24 2. Upon conviction of one or more of the offenses alleged in  
25 Counts 1 and 2, which involve violations of Title 18, United States  
26 Code, Sections 2252(a)(2) and (a)(4)(B), defendant JEREMY ANDREW SMITH  
27 shall forfeit to the United States, pursuant to Title 18,  
28 United States Code, Section 2253(a) all right, title and interest in:

1           a.    any visual depictions described in section 2252, and  
2 any matter which contains any such visual depictions;

3           b.    any property, real or personal, constituting or  
4 traceable to gross profits of the offense; and

5           c.    any property, real or personal, used or intended to be  
6 used to commit or to promote the commission of said offense, including  
7 but not limited to the following personal property:

8                i.   Any and all images of child pornography, as  
9                defined in Title 18, United States Code, Section  
10               2256;

11               ii.  Cooler Master tower computer;

12               iii. Alienware laptop;

13               iv.  Seagate external USB hard drive;

14               v.   Western Digital external hard drives;

15               vi.  One HTC Verizon mobile cell phone; and

16               vii. One Apple iPad.

17           3.   If any of the forfeitable property described above in  
18 Paragraph 2, as a result of any act or omission of the defendant:

19               a.   cannot be located upon the exercise of due diligence;

20               b.   has been transferred or sold to, or deposited with, a  
21               third party;

22               c.   has been placed beyond the jurisdiction of the Court;

23               d.   has been substantially diminished in value; or

24               e.   has been commingled with other property which cannot  
25               be subdivided without difficulty;

26    //

27    //

28    //

1 it is the intent of the United States, pursuant to Title 18,  
2 United States Code, Section 2253(o), to seek forfeiture of any other  
3 property of the defendant up to the value of the forfeitable property  
4 described above in Paragraph 2.

5 All pursuant to Title 18, United States Code, Sections 2253(a)  
6 and (b).

7 DATED: June 26, 2013.

8

A TRUE BILL:

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Foreperson

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LAURA E. DUFFY  
United States Attorney

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By:   
HELEN H. HONG  
Assistant U.S. Attorney

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